



U.S. Department
of Transportation

400 Seventh Street, S.W.
Washington, D.C. 20590

**Pipeline and
Hazardous Materials Safety
Administration**

FEB 10 2006

Mr. Keith L. Mauer

Ref. No.: 06-0005

Byfield Marine Supply
175 East Olive Rd.
Pensacola, FL 32514-4586

Dear Mr. Mauer:

This is in response to your December 27, 2005 letters regarding marking and packaging requirements for hazardous materials transported under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. Is "Muriatic acid solution, corrosive material, UN1789" an authorized proper shipping name?
- A1. No. The entry "*Muriatic acid*, see Hydrochloric acid" appears in the Hazardous Materials Table; (HMT § 172.101); however, because "*Muriatic acid*" appears in italics, it is not an authorized shipping name (see § 172.101(c)(2)). The appropriate description is "Hydrochloric acid, 8, UN1789, PGIII."
- Q2. Is muriatic acid authorized for transportation in non-specification packaging?
- A2. For materials shipped under the entry "Hydrochloric acid," Column 8A references § 173.154, which allows materials packaged in accordance with the limited quantity requirements described in § 173.154(b) to be transported in non-specification packagings.
- Q3. Must orientation arrows placed on a box, as required under § 172.312, appear as depicted in § 172.312(d) or are the orientation arrows pictured in your letter authorized?
- A3. Orientation arrows, when required, must appear as depicted in § 172.312(d). The orientation arrows in the enclosed photograph do not satisfy the requirements in § 172.312.
- Q4. May a material properly classified as "Corrosive liquid, n.o.s." be shipped under the limited quantity exception in § 173.154?



060005

171.8
173.150
172.101
172.407 (c)
172.312

- A4. Yes. Provided all the provisions in § 172.154(b) are met, a hazardous material shipped under the proper shipping name “Corrosive liquid, n.o.s.” may be shipped as a limited quantity.
- Q5. Is it a violation of the HMR to omit a comma in a shipping description?
- A5. No. In accordance with § 172.101(c)(2), punctuation marks and words in italics are not part of the proper shipping name, but may be used in addition to the proper shipping name.
- Q6. If the hazard class and packing group are printed on the packaging, must the packing group be in Roman numerals?
- A6. No. Information provided that is not required under the HMR is not a violation of the HMR even if it is in the incorrect format. However, information in the improper format may cause confusion and lead to a delay of the shipment.
- Q7. Under § 172.202(a)(4), the packing group on a shipping paper must appear in roman numerals. Is it acceptable to represent the Roman numeral “I” with the Arabic numeral “1” (i.e., PG111)?
- A7. Yes. The packing group must be represented using Roman numerals; however, use of any font or numeral that is easily identified as an “I” is acceptable. It should be noted that the use of Arabic numbers is not authorized (e.g., PG3).
- Q8. Are all packages containing a limited quantity of hazardous materials required to be marked in accordance with § 172.315?
- A8. No. The limited quantity marking described in § 172.315 (the identification number, preceded by the letters “UN” or “NA” placed within a square-on-point border) is part of an exception provided in the HMR. Provided the package is marked with the proper shipping name of the limited quantity of hazardous material, the marking described in § 172.315 is not required.
- Q9. The inner receptacle of a combination packaging is marked; “DOT Shipping name, Corrosive materials nos, (phosphoric acid), 8, UN1760, PG111.” Is this a violation of the HMR?
- A9. You are correct in your understanding that “Corrosive materials n.o.s.” is not a proper shipping name listed in the 172.101 table. However, provided the inner receptacle is never shipped as a single packaging and provided the inner receptacle, when shipped in an outer packaging, is not visible during transportation, there is no violation of the HMR. It will be a violation of the HMR if the shipper or any subsequent shipper marks the outer packaging or enters on the shipping papers “Corrosive materials n.o.s.” as the proper shipping name.

Q10. Does a material offered for transportation through marine retail stores meet the definition of a consumer commodity?

A10. Even though a material may not be intended for consumption by individuals for purpose of personal care or household use, as indicated by the retailer or the manufacturer, the material may have household uses. For example, some materials that are normally used in industrial applications are frequently found in home workshops of persons who restore personal watercraft, furniture and the like. Thus, on the basis of information concerning its customers needs and uses, a shipper of such hazardous material that is packaged in a form suitable for retail sales may determine whether a product may be appropriately renamed and reclassified as a consumer commodity.

Q11. May a packaging be marked with both "Consumer commodity, ORM-D" and "Paint, UN1263?"

A11. Yes. The prohibited marking requirements in § 172.303 do not require the removal or obliteration of the marking representing the shipping name that is not applicable to the current shipment. Provided both markings are representative of the contents of the package, dual-marking is authorized.

Q12. Does the packaging in the enclosed photograph meet the requirements for strong outer packagings?

A12. It is impossible to determine if the packaging in the photograph meets the definition of a strong outer packaging. It appears to have been damaged in transportation and would not be acceptable for reuse. A strong outer packaging is the outermost enclosure which provides protection against the unintentional release of its contents. It is a packaging that is sturdy, durable, and constructed so that it will retain its contents under normal conditions of transportation, including rough handling. In addition, a strong outer packaging must meet the general packaging requirements of subpart B of part 173 but need not comply with the specification packaging requirements in Part 178.

In one of your letters you describe an epoxy resin shipped in a combination packaging. The Material Safety Data Sheet (MSDS) and the package markings indicate two different classifications. The MSDS states that the material is not regulated; however, the shipper has chosen to ship the material as "Environmentally hazardous substance, solid, n.o.s." The package is also labeled with a Class 9 label that does not meet the size requirements for labels in § 172.407. In regard to the above scenario, you have the following questions:

Q13. How is the epoxy resin properly classified?

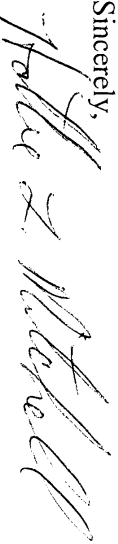
A13. Under § 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determinations are not required to be verified by this Office.

Q14. Is the 50 mm (2 inch) Class 8 label shown in the photograph authorized?

A14. No. You are correct in your understanding that the label must be at least 100 mm (3.9 inches) on each side.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script, reading "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

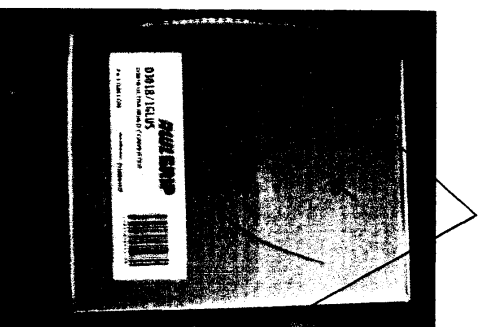
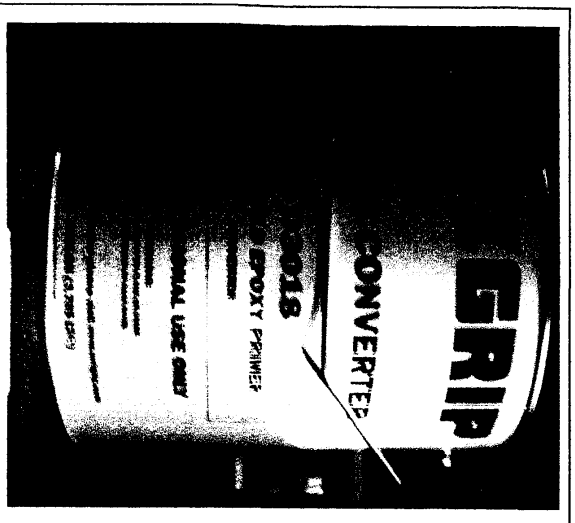
Susan Gorsky
Acting Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001
12/27/2005

Pollack
§171.8
Definitions
06-0005

Dear Mrs. Gorsky

This letter is to address several questions and issues that have arisen concerning a product purchased from a manufacturer.

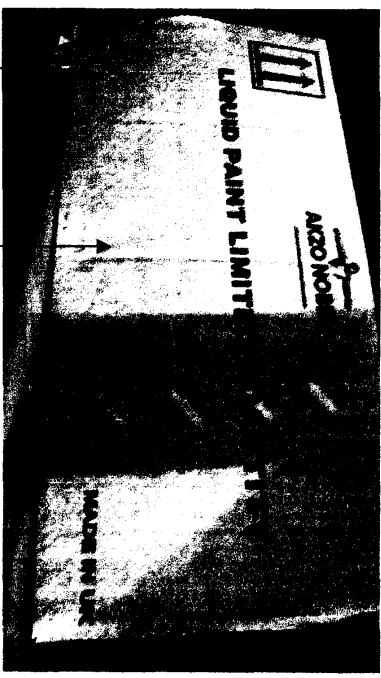
1. What is the real determination for strong outer packaging! This vendor has collapsible boxes make in the UK. As you can see in the Picture provided this box has no bursting strength criteria and the box is very flimsy.
2. 49 CFR definition for Strong outside container means the outer most enclosure which provides protection against the unintentional release of its contents under conditions normally incident to transportation.
3. This box when another is stacked on top of it the sides open up on both sides and do not provide protection against unintentional release.



Two gallons cans are put
inside this box.



Bottom of box. Here is the center. No bursting strength information.!



This shows the side view with the front of the box bulging out and the stress marks on the sides.

3. The front of the product label says for professional use only! The back of the label states This product is for use by professional, trained personnel using proper equipment and is not intended for sale to, or use by the general public. This product is sold to retail marine stores, which will then turn around and sell the product to boat owners for application on there boats. In most cases the product is applied by boatyards, but some individuals will apply it themselves. The factory in most cases will not warranty the product if not properly applied.

4. There is a lot of confusion over strong outer packaging and if the product meets the definition of a consumer commodity

As a wholesale distributor of this product, I am currently not shipping this product using there packaging till this matter is resolved.

I really appreciate your time and effort in helping to resolve and clarify this matter.

Sincerely,
Keith L. Mauer

Warehouse Manager

MATERIAL SAFETY DATA SHEET

Sales Order (SalesOrd)

D3018 ULTRA BUILD

MSDS Revision No: E1 -0
MSDS Revision Date: 03/26/2004



Akzo Nobel Coatings
Awlgrip North America
2270 Morris Avenue
P. O. Box 386
Union, NJ 07083

EMERGENCY NUMBERS:
(800) 424-9300 CHEMTREC (USA)
(703) 527-3887 CHEMTREC (Intl)
(800) 854-6813 Poison Control Center
CUSTOMER SERVICE: (Non-Emergency)
(888) 355-3090 AWLGRIP (Phone)
(908) 686-1752 AWLGRIP (Fax)

1. GENERAL INFORMATION

Product Identity: D3018 ULTRA BUILD
Bulk Sales Reference No: OD3018

IMPORTANT: Read this MSDS before handling or disposing of this product, and provide this information to the employee, customers, and users of this product. PLEASE NOTE THE MSDS REVISION NUMBER AT THE TOP OF THIS PAGE. If the MSDS Revision Number posted at the top of this page does not match the MSDS Revision Number on the product label, please contact Customer Service at the phone number included above for the correct MSDS. This product is covered by the OSHA Hazard Communication Standard and this document has been prepared in accordance with requirements of this standard.

NOTICE: OSHA hazardous chemicals are listed in Section 2 if present at 1% or more. Carcinogens and extraordinarily/special hazardous chemicals are listed in Section 2 if present at .1% or more. Additional regulatory information for specific chemical categories is included in Section 15.

2. HAZARDOUS INGREDIENT INFORMATION

CAS No.	Ingredient Name & %	Source	Exposure Data
		OSHA:	100 ppm TWA; 410 mg/m3 TWA75 ppm STEL; 300 mg/m3 STEL
		ACGIH:	50 ppm TWA75 ppm STEL
		NIOSH:	50 ppm TWA; 205 mg/m3 TWA75 ppm STEL; 300 mg/m3 STEL500 ppm IDLH
		Supplier:	No Data Available
		OSHA, CAN:	50 ppm TWA/EV; 205 mg/m3 TWA/EV75 ppm STEV; 305 mg/m3 STEV
000108-10-1	Methylisobutyl ketone 1.0 - 10% by Weight	Mexico:	50 ppm TWA; 203 mg/m3 TWA75 ppm STEL; 307 mg/m3 STEL
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	Irritation liver
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2B: No; Group 3: No; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
000108-88-3	Toluene 1.0 - 10% by Weight	OSHA:	200 ppm TWA150 ppm STEL, 560 mg/m3 STEL
		ACGIH:	50 ppm TWA
		NIOSH:	100 ppm TWA; 375 mg/m3 TWA150 ppm STEL; 560 mg/m3 STEL500 ppm IDLH
		Supplier:	No Data Available
		OSHA, CAN:	50 ppm TWAEV; 376 mg/m3 TWAEV
		Mexico:	100 ppm TWA; 375 mg/m3 TWA
		Brazil:	78 ppm TWA; 290 mg/m3 TWA
		Source	Health Data
		NIOSH:	Central nervous system depressant
		Source	Carcinogen Data
000123-86-4	n-Butyl acetate 1.0 - 10% by Weight	OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: Yes; Group 4: No
		Source	Exposure Data
		OSHA:	150 ppm TWA; 710 mg/m3 TWA200 ppm STEL; 950 mg/m3 STEL
		ACGIH:	150 ppm TWA200 ppm STEL
		NIOSH:	150 ppm TWA; 710 mg/m3 TWA200 ppm STEL; 950 mg/m3 STEL1700 ppm IDLH
		Supplier:	No Data Available
		OSHA, CAN:	150 ppm TWAEV; 710 mg/m3 TWAEV200 ppm STEV; 950 mg/m3 STEV
		Mexico:	150 ppm TWA; 710 mg/m3 TWA200 ppm STEL; 950 mg/m3 STEL
001317-65-3	Limestone 10 - 25% by Weight	Brazil:	No Data Available
		Source	Health Data
		NIOSH:	Mucous membrane and eye irritation; high concentrations cause nervous system effects in animals
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No
		Source	Exposure Data
		OSHA:	15 mg/m3 TWA (total dust); 5 mg/m3 TWA (respirable fraction)
		ACGIH:	No Data Available

OSHA: 15 mg/m3 TWA (total dust); 5 mg/m3 TWA (respirable fraction)
 ACGIH: No Data Available
 NIOSH: 10 mg/m3 TWA (total dust); 5 mg/m3 TWA (respirable dust)
 Supplier: No Data Available
 OSHA, CAN: 10 mg/m3 TWAEV (total dust, no asbestos and less than 1% crystalline silica)
 Mexico: 10 mg/m3 TWA (nuisance particulate)
 Brazil: No Data Available
 Source Health Data
 NIOSH: Eye and skin irritation Physical irritation
 Carcinogen Data

Source

OSHA: Select Carcinogen: No

NTP: Known Carcinogen: No; Suspected Carcinogen: No
Group 1: No; Group 2A: No;
Group 2b: No; Group 3: No; Group 4: No

IARC:

Val carcinogen data

CAS No.	Ingredient Name & %	Source	Exposure Data
014808-60-7	Quartz 0.10 - 1.0% by Weight	OSHA:	No Data Available
		ACGIH:	0.05 mg/m3 TWA (respirable fraction)
		NIOSH:	0.05 mg/m3 TWA (respirable dust)50 mg/m3 IDLH (respirable dust)
		Supplier:	No Data Available
		OHSa, CAN:	0.10 mg/m3 TWAEV0.10 mg/m3 TWEAV; (See Ontario Reg. 845 for full information)
		Mexico:	10 mg/m3 TWA
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	Chronic lung disease (silicosis)
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: Yes
		NTP:	Known Carcinogen: Yes; Suspected Carcinogen: No Group 1: Yes; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No
		IARC:	

CAS No.	Ingredient Name & %	Source	Exposure Data
025068-38-6	Bisphenol A - Epichlorohydrin polymer 25 - 50% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OHSa, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	No Data Available
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No
		IARC:	

CAS No.	Ingredient Name & %	Source	Exposure Data
112945-52-5	Silica, amorphous, fumed, cryst-free	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OHSa, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available

1.0 - 10% by Weight		Health Data	
Source		No Data Available	
NIOSH:			
Source		Carcinogen Data	
OSHA:		Select Carcinogen: No	
NTP:		Known Carcinogen: No; Suspected Carcinogen: No	
IARC:		Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No	

CAS No.	Ingredient Name & %	Source	Exposure Data
14807-96-6*	Talc (*non-asbestiform) 10 - 25% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OHSA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	No Data Available
		Source	Carcinogen Data
OSHA:	Select Carcinogen: No		
NTP:	Known Carcinogen: No; Suspected Carcinogen: No		
IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No		

3. HAZARD IDENTIFICATION

Overview:	NOTICE: Reports have associated repeated and prolonged occupational overexposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents may be harmful or fatal. Avoid contact with eyes, skin and clothing.
Inhalation:	Harmful if inhaled. Causes nose and throat irritation. Vapors may affect the brain or nervous system causing dizziness, headache or nausea.
Eyes:	Causes severe eye irritation. Do not get in eyes.
Skin:	Causes skin irritation. May cause allergic skin reaction. May be harmful if absorbed through the skin.
Ingestion:	Harmful if swallowed. May cause abdominal pain, nausea, vomiting, diarrhea, or drowsiness.
Chronic Effects:	Contains an ingredient which can cause organ damage (See Section 2 and Section 15 for each ingredient). Cancer hazard. Contains an ingredient which can cause cancer (See Section 2 and Section 15 for each ingredient). Risk of cancer depends on duration and level of exposure.
HMS Rating:	Health: Unknown Flammability: Unknown Reactivity: Unknown

4. FIRST AID MEASURES

General:	Remove contaminated clothing and shoes. Get medical attention immediately. Wash clothing before reuse. Thoroughly clean or destroy contaminated shoes.
Inhalation:	If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention immediately.
Eyes:	In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention immediately.
Skin:	In case of contact, immediately flush skin with soap and plenty of water. Get medical attention immediately.
Ingestion:	If swallowed, immediately contact Poison Control Center at 1-800-854-6813. DO NOT induce vomiting unless instructed to do so by medical personnel. Never give anything by mouth to an unconscious person.

5. PROTECTIVE EQUIPMENT AND CONTROL MEASURES

Respiratory: Select equipment to provide protection from the ingredients listed in Section 2 of this document. Ensure fresh air entry during application and drying. If you experience eye watering, headache or dizziness or if air monitoring demonstrates dust, vapor, or mist levels are above applicable limits, wear an appropriate, properly fitted respirator (NIOSH approved) during and after application. Follow respirator manufacturer's directions for respirator use. FOR USERS OF 3M RESPIRATORY PROTECTION ONLY: For information and assistance on 3M occupational health and safety products, call OH&ESD Technical Service toll free in U.S.A. 1-800-243-4630, in Canada call 1-800-267-4414. Please do not contact these numbers regarding other manufacturer's respiratory protection products. 3M does not endorse the accuracy of the information contained in this Material Safety Data Sheet.

Eyes: Do not get in eyes. Protective equipment should be selected to provide protection from exposure to the chemicals listed in Section 2 of this document. Depending on the site-specific conditions of use, safety glasses, chemical goggles, and/or head and face protection may be required to prevent contact. The equipment must be thoroughly cleaned, or discarded after each use.

Skin/Hand: Protective equipment should be selected to provide protection from exposure to the chemicals listed in Section 2 of this document. Depending on the site-specific conditions of use, protective gloves, apron, boots, head and face protection may be required to prevent contact. The equipment must be thoroughly cleaned, or discarded after each use.

Engineering Controls: Prevent build-up of vapors by opening all windows and doors to achieve cross-ventilation.

Other Work Practices: Emergency eye wash fountains and safety showers should be available in the immediate vicinity of any potential exposure. Use good personal hygiene practices. Wash hands before eating, drinking, using toilet facilities, etc. Promptly remove soiled clothing and wash clothing thoroughly before reuse. Shower after work using plenty of soap and water.

6. FIRE AND EXPLOSION INFORMATION

Flash Point: F: 40

C: 4

Lower Explosive Limit (LEL): 1 (%vol in air) at Normal Atmospheric Temp and Pressure

Fire and Explosion Hazards: Flammable liquid and vapor. FLAMMABLE/COMBUSTIBLE MATERIALS: Will be easily ignited by heat, sparks or flames. Vapors may form explosive mixtures with air. Vapors may travel to source of ignition and flash back. Most vapors are heavier than air. They will spread along ground and collect in low or confined areas (sewers, basements, tanks) creating a vapor explosion hazard. Runoff to sewers may create fire or explosion hazard. Containers may explode when heated.

Fire Fighting Procedures: CAUTION: This product has a very low flashpoint. Use of water spray when fighting fire may be inefficient. SMALL FIRES: Use dry chemical, CO₂, water spray or alcohol-resistant foam. LARGE FIRES: Use water spray, fog, or alcohol-resistant foam. Do not use straight streams. Move containers from fire area if you can do so without risk. Runoff from fire control may cause pollution. Dike fire control water for later disposal. Do not scatter the material.

Also Reference Emergency Response Guide Number: 127

7. PHYSICAL AND CHEMICAL PROPERTIES

Physical State: Liquid

pH: Not Determined

Specific Gravity: 1.432861

Boiling Point (F): 281

Vapor Density: Heavier than air

VOC Content (lbs): Refer to the Technical Data Sheet for this product.

Evaporation Rate: Slower than ether

8. STABILITY AND REACTIVITY DATA

General: This product is stable and hazardous polymerization will not occur.

Incompatible Materials: Strong oxidizing agents.

Hazardous Decomposition: May produce hazardous fumes when heated to decomposition as in welding. Fumes may produce Carbon Dioxide and Carbon Monoxide.

9. HANDLING AND STORAGE

Storage Temperature: Store between 32 and 120 F

Handling and Storage Precautions: Keep away from heat, sparks and flame. Do not smoke. Extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors and other sources of ignition during use and until all vapors are gone. Vapors may cause flash fire or ignite explosively. Prevent build-up of vapors by opening all windows and doors to achieve cross-ventilation. Do not get in eyes, on skin or clothing. Close container after each use. Wash thoroughly after handling.

10. TOXICOLOGICAL DATA

General: NOTICE: Reports have associated repeated and prolonged occupational overexposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents may be harmful or fatal. No additional information provided for this product. See Section 2 for chemical specific data.

11. ECOLOGICAL DATA

General: No additional information provided for this product. See Section 2 for chemical specific data.

12. ACCIDENTAL RELEASE MEASURES

Spill Response Procedures: ELIMINATE ALL IGNITION SOURCES (no smoking, flares, sparks or flames in immediate area). Use only non-sparking equipment to handle spilled material and absorbent. Do not touch or walk through spilled material. Stop leak if you can do so without risk. Prevent entry into waterways, sewers, basements or confined areas. A vapor suppressing foam may be used to reduce vapors. Absorb or cover with dry earth, sand, or other non-combustible material and transfer to containers. Use non-sparking tools to collect absorbed material.

Public Safety: CALL CHEMTREC at (800)-424-9300 for emergency response. Isolate spill or leak area immediately for at least 25 to 50 meters (80 to 160 feet) in all directions. Keep unauthorized personnel away. Stay upwind. Keep out of low areas. Ventilate closed spaces before entering. LARGE SPILLS: Consider initial downwind evacuation for at least 300 meters (1000 feet).

Also, Reference Emergency Response Guide Number: 127

13. DISPOSAL CONSIDERATION

Waste Disposal: Dispose of in accordance with local, state and federal regulations. (Also reference RCRA information in Section 15 if listed).

14. TRANSPORTATION INFORMATION

DOT (Domestic Surface Transportation) IMO / IMDG (Ocean Transportation)
DOT Proper Shipping Name: IMDG Proper Shipping Name:

PAINT PAINT

DOT Hazard Class: 3 IMDG Hazard Class: 3.2 - Intermediate flashpoint flammable liquids

UN / NA Number: UN 1263
DOT Packing Group: II
CERCLADOT RQ: 1123 gal. / 13405 lbs.

UN Number: UN 1263
IMDG Packing Group: II
System Reference
Code: 2

15. REGULATORY INFORMATION

Regulatory Overview:

The regulatory data in Section 15 is not intended to be all-inclusive, only selected regulations are represented. All ingredients of this product are listed on the TSCA (Toxic Substance Control Act) Inventory or are not required to be listed on the TSCA Inventory.
Note: Any chemical ingredients listed in Section 15, that do not also appear in Section 2, are contained in the product at a concentration below the applicable OSHA threshold level of 1% or 0.1%.

WHMIS Classification:

Not Determined

Regulatory List

DOT Marine Pollutants (10%):

(No Product Ingredients Listed)

DOT Severe Marine Pollutants (1%):

(No Product Ingredients Listed)

EPCRA 311/312 Chemicals and RQs

(>.1%):

000108-10-1 Methylisobutyl ketone : 5000 lb final RQ; 2270 kg final RQ
000123-86-4 n-Butyl acetate : 5000 lb final RQ; 2270 kg final RQ
000071-36-3 n-Butyl alcohol : 5000 lb final RQ; 2270 kg final RQ
000108-88-3 Toluene : 1000 lb final RQ; 454 kg final RQ
001330-20-7 Xylenes (o-, m-, p- isomers) : 100 lb final RQ; 45.4 kg final RQ

EPCRA 302 Extremely Hazardous (>.1%)

:

(No Product Ingredients Listed)

EPCRA 313 Toxic Chemicals (>.1%):

000108-10-1 Methylisobutyl ketone
000071-36-3 n-Butyl alcohol
000108-88-3 Toluene
001330-20-7 Xylenes (o-, m-, p- isomers)

Mass RTK Substances (>1%):

001317-65-3 Limestone
000108-10-1 Methylisobutyl ketone
000123-86-4 n-Butyl acetate
000108-88-3 Toluene

Mass Extraordinarily Haz Sub (>.01%):

014808-60-7 Quartz

Penn RTK Substances (>1%):

001317-65-3 Limestone
000108-10-1 Methylisobutyl ketone
000123-86-4 n-Butyl acetate
000108-88-3 Toluene

Penn Special Hazardous Substances

(>.01%):

000108-88-3 Toluene

Rhode Island Hazardous Substances

(>.1%):

001317-65-3 Limestone
000108-10-1 Methylisobutyl ketone
000123-86-4 n-Butyl acetate
000071-36-3 n-Butyl alcohol
014808-60-7 Quartz
000108-88-3 Toluene
001330-20-7 Xylenes (o-, m-, p- isomers)

RCRA Status (>.01%):

(No Product Ingredients Listed)

N.J. RTK Substances (>1%):

000108-10-1 Methylisobutyl ketone
000123-86-4 n-Butyl acetate
000108-88-3 Toluene

N.J. Special Hazardous Substances

(>.01%):

000108-10-1 Methylisobutyl ketone

000123-86-4	n-Butyl acetate
000108-88-3	Toluene
N.J. Env. Hazardous Substances (>.1%) :	
000108-10-1	Methylisobutyl ketone
000071-36-3	n-Butyl alcohol
000108-88-3	Toluene
001330-20-7	Xylenes (o-, m-, p- isomers)
Proposition 65 - Carcinogens (>0%):	
014808-60-7	Quartz
000108-88-3	Toluene
Proposition 65 - Female Repro Toxins (>0%):	
(No Product Ingredients Listed)	
Proposition 65 - Male Repro Toxins (>0%):	
(No Product Ingredients Listed)	
Proposition 65 - Developmental Toxins (>0%):	
000108-88-3	Toluene

16. OTHER INFORMATION

The information and recommendations contained herein are based upon data believed to be correct. However, no guarantee or warranty of any kind, expressed or implied, is made with respect to the information contained herein. We accept no responsibility and disclaim all liability for any harmful effects which may be caused by exposure to our products. Customers/users of this product must comply with all applicable health and safety laws, regulations, and orders.

End Of Document

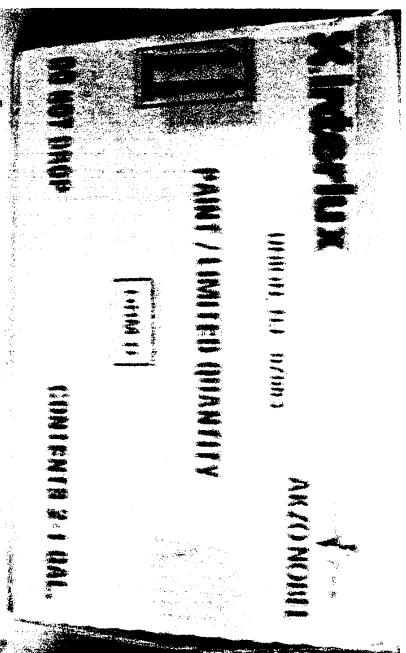
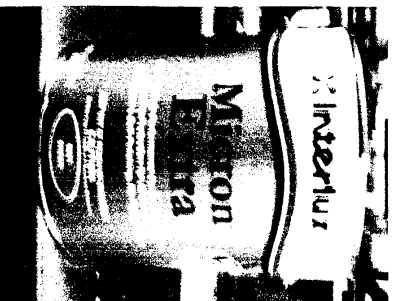
Pollock
\$173.150
172 101
Packaging
06-0000

Susan Gorsky
Acting Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001
12/27/2005

Dear Mrs. Gorsky

This letter is to address several questions and issues that have arisen concerning a product purchased from a manufacturer.

The pictures below show a 2 gallon Paint Box with a picture of the product shipped inside. Notice the side of the box has two sets of package markings. Consumer Commodity with ORM-D in the rectangle box and Paint / Limited Quantity.



The attached MSDS sheet in the Section 14 TRANSPORTATION SECTION shows the product to be shipped as a Consumer Commodity ORM-D for Domestic Surface Transportation.

Questions

1. Understand that for Paint, 3, UN1263, PG III in 172.101 table Column 8A exceptions that 173.150 is the exceptions for Class 3 materials. I also understand that 173.173 allows strong outer packaging for Paints, instead of UN Specification Packaging. But in 173.150 the shipper must first determine if the product meets the definition of a Limited Quantity. Which a gallon(3.785 L) of Paint with the a flash point of 80 degrees which makes this a Packing Group III product and in 173.150(b)(3) states For flammable liquids in Packing Group III and combustible liquids, inner packagings not over 5.0 L (1.3 gallons) net capacity each, packed in strong outer packagings.

Next we move on to 173.150 (c) Consumer commodities. A limited quantity which conforms to the provisions of paragraph (b) of this section and is a ``consumer commodity'' as defined in Sec. 171.8 of this subchapter, may be renamed ``Consumer commodity'' and reclassified as ORM-D material. In addition to the exceptions provided by paragraph (b) of this section, shipments of ORM-D materials are not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or are offered for transportation and transported by aircraft, and are eligible for the exceptions provided in Sec. 173.156.

This product is sold thru most marine retail stores over the counter to the general public and does meet the definition of a consumer commodity.

- 2.) My question is how can the factory legally mark their boxes with both Consumer Commodity with ORM-D in the rectangle box and Paint / Limited Quantity and be in compliance. The are referencing 2 differents exception rules ?
- 3.) How can they legally describe the product on shipping papers when that have 2 different package markings they are referencing ?
- 4.) To be in compliance should we cover up the Paint Limited Qauntity?
We are not using shipping papers for our trucks to deliver, because we are using the consumer commodity exception which relieves you from shipping paper requirements unless shipped by aircraft.

Consumer Commodity does not require shipping papers, but requires package markings which certifies (c) The marking ORM-D is the certification by the person offering the packaging for transportation that the material is properly described, classed, packaged, marked and labeled (when appropriate) and in proper condition for transportation according to the applicable regulations of this subchapter.

Sec. 172.315 Packages containing limited quantities.

Except as otherwise provided in this subchapter, a package containing a limited quantity of hazardous materials is not required to be marked with the proper shipping name provided it is marked with the identification (ID) number, preceded by the letters ``UN'' or ``NA,'' as applicable, for the entry as shown in the Sec. 172.101 Table, and placed within a square-on-point border in accordance with the following:

(a) The ID number marking must be durable, legible and of such a size relative to the package as to be readily visible. The width of line forming the square-on-point must be at least 2 mm and the height of the ID number must be at least 6 mm. The marking must be applied on at least one side or one end of the outer packaging.

Sec. 172.316 Packagings containing materials classed as ORM-D.

(a) Each non-bulk packaging containing a material classed as ORM-D must be marked on at least one side or end with the ORM-D designation immediately following or below the proper shipping name of the material.

The ORM designation must be placed within a rectangle that is approximately 6.3 mm (0.25 inches) larger on each side than the designation. The designation for ORM-D must be:

(1) ORM-D-AIR for an ORM-D that is prepared for air shipment and packaged in accordance with the provisions of Sec. 173.27 of this subchapter.

(2) ORM-D for an ORM-D other than as described in paragraph (a) (1) of this section.

(b) When the ORM-D marking including the proper shipping name can not be affixed on the package surface, it may be on an attached tag.

(c) The marking ORM-D is the certification by the person offering the packaging for transportation that the material is properly described, classed, packaged, marked and labeled (when appropriate) and in proper condition for transportation according to the applicable regulations of this subchapter. This form of certification does not preclude the requirement for a certificate on a shipping paper when required by subpart C of this part.

As a wholesale distributor of this product I am currently covering up the Paint Limited Quantity package marking until this matter is resolved. I believe the factory does not have a clear understanding of the regulations.

I really appreciate your time and effort in helping to resolve and clarify this matter.

Sincerely,
Keith L. Mauer

Warehouse Manager

MATERIAL SAFETY DATA SHEET
MICRON EXTRA BLUE ANTIFOULING

Sales Order: (SalesOrd)

MSDS Revision No: A2 - 8
MSDS Revision Date: 08/27/2003

EMERGENCY NUMBERS:

(800) 424-9300 CHEMTREC (USA)
(703) 527-3887 CHEMTREC (Intl)
(800) 854-6813 Poison Control Center
CUSTOMER SERVICE: (Non-Emergency)
(800) 589-1267 International Paint
(800) 631-7481 Interflux



International Paint Inc.
6001 Antoine Drive
Houston, Texas 77091

1. GENERAL INFORMATION

Product Identity: MICRON EXTRA BLUE ANTIFOULING
Bulk Sales Reference No: Y5690
IMPORTANT: Read this MSDS before handling or disposing of this product, and provide this information to the employee, customers, and users of this product. PLEASE NOTE THE MSDS REVISION NUMBER AT THE TOP OF THIS PAGE. If the MSDS Revision Number posted at the top of this page does not match the MSDS Revision Number on the product label, please contact Customer Service at the phone number included above for the correct MSDS. This product is covered by the OSHA Hazard Communication Standard and this document has been prepared in accordance with requirements of this standard.

2. HAZARDOUS INGREDIENT INFORMATION

CAS No.	Ingredient Name & %	Source	Exposure Data
000095-63-6	Pseudocumene 1.0 - 10% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	25 ppm TWA, 125 mg/m3 TWA
		Supplier:	No Data Available
		OHSA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	No Data Available
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No
		Source	Exposure Data
		OSHA:	5 mg/m3 TWA (fume); 15 mg/m3 TWA (total dust); 5 mg/m3 TWA (respirable fraction) 10 mg/m3 STEL (fume)
		ACGIH:	5 mg/m3 TWA (fume); 10 mg/m3 TWA (dust, The value for Zinc oxide 'dust' is for total dust containing no asbestos and < 1% crystalline silica) 10 mg/m3 STEL (fume)
		NIOSH:	5 mg/m3 TWA (fume/dust) 10 mg/m3 STEL 15 mg/m3 Ceiling (fume and dust) 500 mg/m3 IDLH
		Supplier:	No Data Available
			5 mg/m3 TMAEV (fume); 10 mg/m3 TMAEV (dust) 10 mg/m3 STEV

001314-13-2	Zinc oxide 10 - 25% by Weight	OSHA, CAN: (fume)	
		Mexico:	5 mg/m3 TWA (fume); 10 mg/m3 TWA (dust) 10 mg/m3 STEL
		Brazil:	No Data Available
		Health Data	
		Source	
		NIOSH:	Metal fume fever
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
001317-39-1	Copper(+1) oxide 25 - 50% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OSHA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	No Data Available
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
001330-20-7	Xylenes (o-, m-, p- isomers) 1.0 - 10% by Weight	OSHA:	100 ppm TWA; 435 mg/m3 TWA150 ppm STEL; 655 mg/m3 STEL
		ACGIH:	100 ppm TWA150 ppm STEL
		NIOSH:	100 ppm TWA; 435 mg/m3 TWA900 ppm IDLH
		Supplier:	No Data Available
		OSHA, CAN:	100 ppm TWAEV; 435 mg/m3 TWAEV150 ppm STEV; 650 mg/m3 STEV
		Mexico:	100 ppm TWA; 435 mg/m3 TWA150 ppm STEL; 655 mg/m3 STEL
		Brazil:	78 ppm; 340 mg/m3; skin absorber; medium degree of harm
		Source	Health Data
		NIOSH:	Central nervous system depressant; respiratory and eye irritation
		Source	Carcinogen Data
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: Yes; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
008050-09-7	Rosin 10 - 25% by Weight	OSHA:	No Data Available
		ACGIH:	sensitizer, reduce exposure as low as possible
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OHSA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	No Data Available
		NIOSH:	No Data Available
		Health Data	
		Source	No Data Available
		Carcinogen Data	
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
013463-67-7	Titanium dioxide 1.0 - 10% by Weight	OSHA:	15 mg/m3 TWA (total dust)
		ACGIH:	10 mg/m3 TWA
		NIOSH:	NIOSH Potential Occupational Carcinogen - see Appendix A Potential NIOSH carcinogen.
		Supplier:	No Data Available
		OHSA, CAN:	10 mg/m3 TWAEV (total dust)
		Mexico:	10 mg/m3 TWA (nuisance particulate)20 mg/m3 STEL
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	Lung tumors in animals
		Carcinogen Data	
		Source	
		OSHA:	Select Carcinogen: No
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No
		IARC:	Group 1: No; Group 2A: No; Group 2b: No; Group 3: Yes; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
028159-98-0	N'-tert-Butyl-N-cyclopropyl-6-(methylthio)-1,3,5-triazine-2,4-diamine 1.0 - 10% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OHSA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	No Data Available
		Source	
		Source	No Data Available
		Carcinogen Data	
		OSHA:	Select Carcinogen: No

NTP: Known Carcinogen: No; Suspected Carcinogen: No
Group 1: No; Group 2A: No;
IARC: Group 2b: No; Group 3: No; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
064742-95-6	Petroleum naphtha, light aromatic 1.0 - 10% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OTISA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	
		No Data Available	
		Source	Carcinogen Data
		OSHA:	
		Select Carcinogen: No	
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No
		IARC:	

CAS No.	Ingredient Name & %	Source	Exposure Data
068937-41-7	Propylated triphenyl phosphate mixture 1.0 - 10% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OSHA, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	
		No Data Available	
		Source	Carcinogen Data
		OSHA:	
		Select Carcinogen: No	
		NTP:	Known Carcinogen: No; Suspected Carcinogen: No Group 1: No; Group 2A: No; Group 2b: No; Group 3: No; Group 4: No
		IARC:	

3. HAZARD IDENTIFICATION

Overview: NOTICE: Reports have associated repeated and prolonged occupational overexposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents may be harmful or fatal. Avoid contact with eyes, skin and clothing. Contains 1,2,4-Trimethylbenzene which can cause central nervous system depression, anemia and bronchitis.

Inhalation: May be harmful or fatal if inhaled. Causes nose and throat irritation. Vapors may affect the brain or nervous system causing dizziness, headache or nausea.

Eyes: Causes severe eye irritation. Do not get in eyes.

Skin: Causes skin irritation. May be harmful if absorbed through the skin.

Ingestion: Harmful if swallowed. May cause abdominal pain, nausea, vomiting, diarrhea, or drowsiness.

Contains an ingredient which can cause organ damage (See Section 2 and Section 15 for each ingredient).

Chronic Effects:	Possible cancer hazard. Contains an ingredient which may cause cancer based on animal data (See Section 2 and Section 15 for each ingredient). Risk of cancer depends on duration and level of exposure.		
HMIS Rating:	Health: Unknown	Flammability: Unknown	Reactivity: Unknown

4. FIRST AID MEASURES

General:	Remove contaminated clothing and shoes. Get medical attention immediately. Wash clothing before reuse. Thoroughly clean or destroy contaminated shoes.
Inhalation:	If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention immediately.
Eyes:	In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention immediately.
Skin:	In case of contact, immediately flush skin with soap and plenty of water. Get medical attention immediately.
Ingestion:	If swallowed, immediately contact Poison Control Center at 1-800-854-6813. DO NOT induce vomiting unless instructed to do so by medical personnel. Never give anything by mouth to an unconscious person.

5. PROTECTIVE EQUIPMENT AND CONTROL MEASURES

Respiratory:	Select equipment to provide protection from the ingredients listed in Section 2 of this document. Ensure fresh air entry during application and drying. If you experience eye watering, headache or dizziness or if air monitoring demonstrates dust, vapor, or mist levels are above applicable limits, wear an appropriate, properly fitted respirator (NIOSH approved) during and after application. Follow respirator manufacturer's directions for respirator use. FOR USERS OF 3M RESPIRATORY PROTECTION ONLY: For information and assistance on 3M occupational health and safety products, call OHS&SD Technical Service toll free in U.S.A. 1-800-243-4630, in Canada call 1-800-267-4414. Please do not contact these numbers regarding other manufacturer's respiratory protection products. 3M does not endorse the accuracy of the information contained in this Material Safety Data Sheet.
Eyes:	Do not get in eyes. Protective equipment should be selected to provide protection from exposure to the chemicals listed in Section 2 of this document. Depending on the site-specific conditions of use, safety glasses, chemical goggles, and/or head and face protection may be required to prevent contact. The equipment must be thoroughly cleaned, or discarded after each use.
Skin/Hand:	Protective equipment should be selected to provide protection from exposure to the chemicals listed in Section 2 of this document. Depending on the site-specific conditions of use, protective gloves, apron, boots, head and face protection may be required to prevent contact. The equipment must be thoroughly cleaned, or discarded after each use.
Engineering Controls:	Prevent build-up of vapors by opening all windows and doors to achieve cross-ventilation.
Other Work Practices:	Emergency eye wash fountains and safety showers should be available in the immediate vicinity of any potential exposure. Use good personal hygiene practices. Wash hands before eating, drinking, using toilet facilities, etc. Promptly remove soiled clothing and wash clothing thoroughly before reuse. Shower after work using plenty of soap and water.

6. FIRE AND EXPLOSION INFORMATION

Flash Point:	F: 80 C: 27
Lower Explosive Limit (LEL):	.6 (%vol in air) at Normal Atmospheric Temp and Pressure
Fire and Explosion Hazards:	Flammable liquid and vapor. FLAMMABLE/COMBUSTIBLE MATERIALS: Will be easily ignited by heat, sparks or flames. Vapors may form explosive mixtures with air. Vapors may travel to source of ignition and flash back. Most vapors are heavier than air. They will spread along ground and collect in low or confined areas (sewers, basements, tanks) creating a vapor explosion hazard. Runoff to sewers may create fire or explosion hazard. Containers may explode when heated.
Fire Fighting Procedures:	Also Reference Emergency Response Guide Number: Not Determined

7. PHYSICAL AND CHEMICAL PROPERTIES

Physical State:	Liquid
pH:	Not Determined
Specific Gravity:	1.930308
Boiling Point (F):	200
Vapor Density:	Heavier than air
VOC Content (lbs):	Refer to the Technical Data Sheet for this product
Evaporation Rate:	Slower than ether

8. STABILITY AND REACTIVITY DATA

General:	This product is stable and hazardous polymerization will not occur.
Incompatible Materials:	Strong oxidizing agents.
Hazardous Decomposition:	May produce hazardous fumes when heated to decomposition as in welding. Fumes may produce Carbon Dioxide and Carbon Monoxide.

9. HANDLING AND STORAGE

Storage Temperature:	Store between 32 and 120 F
Handling and Storage Precautions:	Keep away from heat, sparks and flame. Do not smoke. Extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors and other sources of ignition during use and until all vapors are gone. Vapors may cause flash fire or ignite explosively. Prevent build-up of vapors by opening all windows and doors to achieve cross-ventilation. Do not get in eyes, on skin or clothing. Close container after each use. Wash thoroughly after handling.

10. TOXICOLOGICAL DATA

General:	NOTICE: Reports have associated repeated and prolonged occupational overexposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents may be harmful or fatal. No additional information provided for this product. See Section 2 for chemical specific data.
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11. ECOLOGICAL DATA

General:	No additional information provided for this product. See Section 2 for chemical specific data.
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12. ACCIDENTAL RELEASE MEASURES

Spill Response Procedures:	ELIMINATE ALL IGNITION SOURCES (no smoking, flares, sparks or flames in immediate area). Use only non-sparking equipment to handle spilled material and absorbent. Do not touch or walk through spilled material. Stop leak if you can do so without risk. Prevent entry into waterways, sewers, basements or confined areas. A vapor suppressing foam may be used to reduce vapors. Absorb or cover with dry earth, sand, or other non-combustible material and transfer to containers. Use non-sparking tools to collect absorbed material. CALL CHEMTREC at (800)-424-9300 for emergency response. Isolate spill or leak area immediately for at least 25 to 50 meters (80 to 160 feet) in all directions. Keep unauthorized personnel away. Stay upwind. Keep out of low areas. Ventilate closed spaces before entering. LARGE SPILLS: Consider initial downwind evacuation for at least 300 meters (1000 feet).
Public Safety:	Also, Reference Emergency Response Guide Number: Not Determined

13. DISPOSAL CONSIDERATION

Waste Disposal: Dispose of in accordance with local, state and federal regulations. (Also reference RCRA information in Section 15 if listed).

14. TRANSPORTATION INFORMATION

DOT (Domestic Surface Transportation)		IMO / IMDG (Ocean Transportation)	
DOT Proper Shipping Name: CONSUMER COMMODITY, ORM-D		IMDG Proper Shipping Name: CONSUMER COMMODITY, ORM-D	
DOT Hazard Class:	NR	IMDG Hazard Class:	Not Regulated
UN / NA Number:	Not Regulated	UN Number:	Not Regulated
DOT Packing Group:	Not Regulated	IMDG Packing Group:	Not Regulated
CERCLA/DOT RQ:	65 gal / 1040 lbs.	System Reference Code:	5

15. REGULATORY INFORMATION

Regulatory Overview: The regulatory data in Section 15 is not intended to be all-inclusive, only selected regulations are represented. All ingredients of this product are listed on the TSCA (Toxic Substance Control Act) Inventory or are not required to be listed on the TSCA Inventory.

WHMIS Classification: Not Determined

Regulatory List

DOT Marine Pollutants (10%):
(No Product Ingredients Listed)
DOT Severe Marine Pollutants (1%):
(No Product Ingredients Listed)
EPCRA 311/1312 Chemicals and RQs:

007440-50-8

Copper : final RQ = 5000 pounds (2270 kg) (no reporting of releases of this hazardous substance is required if the diameter of the pieces of the solid metal released is equal to or exceeds 0.004 inches)
Ethyl benzene : final RQ = 1000 pounds (454 kg)
Xylenes (o-, m-, p- isomers) : final RQ = 100 pounds (45.4 kg)
Zinc oxide : statutory RQ = 1 pound (0.454 kg)

EPCRA 302 Extremely Hazardous:
(No Product Ingredients Listed)
EPCRA 313 Toxic Chemicals:

007440-50-8
001317-38-0
001317-39-1
000100-41-4
000095-63-6
001330-20-7
001314-13-2
Copper
Copper oxide
Copper(+1) oxide
Ethyl benzene
Pseudocumene
Xylenes (o-, m-, p- isomers)
Zinc oxide

Mass RTK Substances:
000095-63-6
013463-67-7
001330-20-7
001314-13-2
Pseudocumene
Titanium dioxide
Xylenes (o-, m-, p- isomers)
Zinc oxide

Penn RTK Substances:

000095-63-6
013463-67-7
001330-20-7
001314-13-2
Pseudocumene
Titanium dioxide
Xylenes (o-, m-, p- isomers)
Zinc oxide

Penn Special Hazardous Substances:
(No Product Ingredients Listed)
Rhode Island Hazardous Substances:

007440-50-8
000100-41-4
Copper
Ethyl benzene

013463-67-7
001330-20-7
001314-13-2

Titanium dioxide
Xylenes (o-, m-, p- isomers)
Zinc oxide

RCRA Status:

(No Product Ingredients Listed)

N.J. RTK Substances:

000095-63-6
013463-67-7
001330-20-7
001314-13-2

Pseudocumene
Titanium dioxide
Xylenes (o-, m-, p- isomers)
Zinc oxide

N.J. Special Hazardous Substances:

001330-20-7

Xylenes (o-, m-, p- isomers)

N.J. Env. Hazardous Substances:

007440-50-8
001317-38-0
001317-39-1
000100-41-4
000095-63-6
001330-20-7
001314-13-2

Copper
Copper oxide
Copper(+1) oxide
Ethyl benzene
Pseudocumene
Xylenes (o-, m-, p- isomers)
Zinc oxide

Proposition 65 - Carcinogens:

007439-92-1
007440-43-9
014808-60-7

Lead
Cadmium
Quartz

Proposition 65 - Female Reproductive

Toxins:

007439-92-1

Lead

Proposition 65 - Male Reproductive

Toxins:

007439-92-1
007440-43-9

Lead
Cadmium

Proposition 65 - Developmental Toxins:

007439-92-1
007440-43-9

Lead
Cadmium

16. OTHER INFORMATION

The information and recommendations contained herein are based upon data believed to be correct. However, no guarantee or warranty of any kind, expressed or implied, is made with respect to the information contained herein. We accept no responsibility and disclaim all liability for any harmful effects which may be caused by exposure to our products. Customers/users of this product must comply with all applicable health and safety laws, regulations, and orders.

End Of Document

Susan Gorsky
Acting Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, D.C. 20590-0001
12/27/2005

Dear Mrs. Gorsky

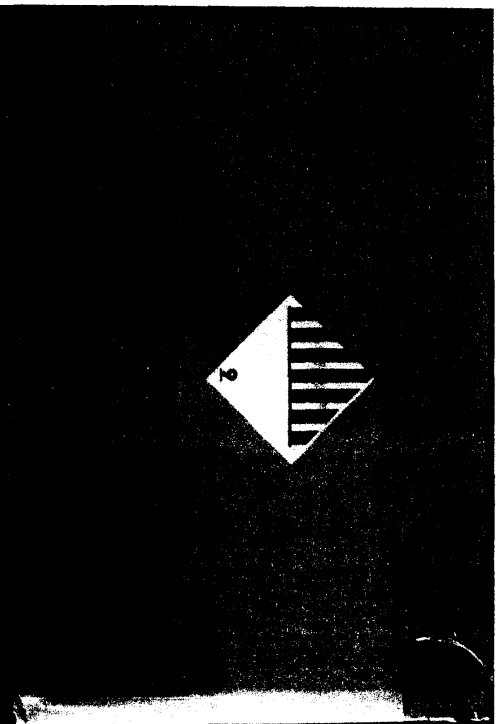
This letter is to address several questions and issues that have arisen concerning a product purchased from a manufacturer.

1. The product YAA867/2 is a 2 gallon container ship in UN Specification Packaging.
2. The attached MSDS sheet shows in Section 14 TRANSPORTATION INFORMATION for DOT and IMDG.
Proper Shipping Name: Paint or Paint Related Material
DOT / IMDG Hazard Class: None
UN Number: Not Regulated
DOT Packing Group: Not Regulated
RQ: Not Applicable

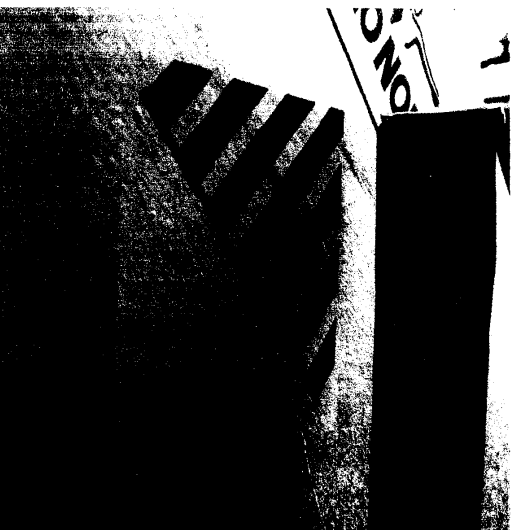
Pollack
\$172.101
\$172.487(c)
Applicability/Labeling
06-0005




3. These pictures show the side of the box with a Class 9 Miscellaneous Label, Proper Shipping Name Environmentally Hazardous Substance, Solid, N.O.S. (contains Epoxy Resin) UN3077. It was shipped in a UN Specification Z Box with means it should be a Packing Group III product. But was shipped to us as Paint, Not Regulated NMFC 149980 on the shipping papers.



4. The label pre-printed on the box measures 2-1/8 inches on each side.



Questions

1. Is this product Not Regulated per the MSDS Sheet or Environmentally Hazardous Substance, Solid, N.O.S. (contains Epoxy Resin), 9, UN3077, PG III as Pre-Printed on the box?
2. If the product it is a Hazardous Material, the label should meet the requirements in 49 CFR Section and the information on the MSDS needs to be corrected.?
172.407(c)
172.407 Label specifications.
(c) Size. (1) Each diamond (square-on-point) label prescribed in this subpart must be at least 100 mm (3.9 inches) on each side with each side having a solid line inner border 5.0 to 6.3 mm (0.2 to 0.25 inches) from the edge.
3. Shipping papers should have been generated for the Environmentally Hazardous Substance, Solid, N.O.S. (contains Epoxy Resin), 9, UN3077, PG III information on the box when shipped to us instead of Paint, Not Regulated ?


As a wholesale distributor of this product I am currently not shipping this product till this matter is resolved. I believe the factory does not have a clear understanding of the regulations.

I really appreciate your time and effort in helping to resolve and clarify this matter.

Sincerely,
Keith L. Mauer

Warehouse Manager

MATERIAL SAFETY DATA SHEET

Sales Order: (SalesOrd)

INTERFILL 830 BASE

MSDS Revision No: E3 - 3
MSDS Revision Date: 03/14/2001

EMERGENCY NUMBERS:

International Paint Inc.	(800) 424-9300	CHEMTREC (USA)
6001 Antoine Drive	(703) 527-3887	CHEMTREC (Int'l)
Houston, Texas 77091	(800) 854-6813	Poison Control Center
	CUSTOMER SERVICE:	(Non-Emergency)
	(800) 589-1267	International Paint
	(800) 631-7481	Interlux



1. GENERAL INFORMATION

Product Identity: INTERFILL 830 BASE

Bulk Sales Reference No: YAA867

IMPORTANT: Read this MSDS before handling or disposing of this product, and provide this information to the employee, customers, and users of this product. PLEASE NOTE THE MSDS REVISION NUMBER AT THE TOP OF THIS PAGE. If the MSDS Revision Number posted at the top of this page does not match the MSDS Revision Number on the product label, please contact Customer Service at the phone number included above for the correct MSDS. This product is covered by the OSHA Hazard Communication Standard and this document has been prepared in accordance with requirements of this standard.

2. HAZARDOUS INGREDIENT INFORMATION

CAS No.	Ingredient Name & %	Source	Exposure Data
000067-63-0	Isopropyl alcohol 0.10 - 1.0% by Weight	OSHA:	400 ppm TW/A; 980 mg/m ³ TW/A500 ppm STEL; 1225 mg/m ³ STEL
		ACGIH:	400 ppm TW/A500 ppm STEL
		NIOSH:	400 ppm TW/A; 980 mg/m ³ TW/A500 ppm STEL; 1225 mg/m ³ STEL 2000 ppm IDLH
		Supplier:	No Data Available
		OHSA, CAN:	400 ppm TW/AEV; 980 mg/m ³ TW/AEV 500 ppm STEV; 1225 mg/m ³ STEV
		Mexico:	400 ppm TW/A; 980 mg/m ³ TW/A500 ppm STEL; 1225 mg/m ³ STEL
		Brazil:	310 ppm; 765 mg/m ³ ; skin absorber; medium degree of harm
		Source	
		NIOSH:	Mucous membrane irritation; possible carcinogenic effects
		Source	
		OSHA:	Carcinogen Data
		NTP:	Select Carcinogen: Yes
		IARC:	Known Carcinogen: No; Suspected Carcinogen: No
			Group 1: Yes; Group 2A: No;
			Group 2b: No; Group 3: Yes; Group 4: No

CAS No.	Ingredient Name & %	Source	Exposure Data
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007631-86-9	Silica, amorphous 0.10 - 1.0% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	6 mg/m3 TW A3000 mg/m3 IDLH
		Supplier:	No Data Available
		OHS A, CAN:	0.10 mg/m3 TW AEV (designated substance regulation)0.20 mg/m3 CEV (designated substance regulation)0.20 mg/m3 TW AEV, See Ontario Reg. 845 for full information
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	
		No Data Available	
		Source	Carcinogen Data
		OSHA:	
		Select Carcinogen: Yes	
		NTP:	
		Known Carcinogen: Yes; Suspected Carcinogen: Yes	Health Data
		Group 1: Yes; Group 2A: No;	
		IARC:	
		Group 2b: No; Group 3: Yes; Group 4: No	

CAS No.	Ingredient Name & %	Source	Exposure Data
068081-84-5	Oxirane, mono[(C10-16-alkyloxy)methyl] derivs. 1.0 - 10% by Weight	OSHA:	No Data Available
		ACGIH:	No Data Available
		NIOSH:	No Data Available
		Supplier:	No Data Available
		OHS A, CAN:	No Data Available
		Mexico:	No Data Available
		Brazil:	No Data Available
		Source	Health Data
		NIOSH:	
		No Data Available	
		Source	Carcinogen Data
		OSHA:	
		Select Carcinogen: No	
		NTP:	
		Known Carcinogen: No; Suspected Carcinogen: No	Health Data
		Group 1: No; Group 2A: No;	
		IARC:	
		Group 2b: No; Group 3: No; Group 4: No	

3. HAZARD IDENTIFICATION

Overview:	NOTICE: Reports have associated repeated and prolonged occupational overexposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents may be harmful or fatal. Avoid contact with eyes, skin and clothing.
Inhalation:	May be harmful or fatal if inhaled. Causes nose and throat irritation. Vapors may affect the brain or nervous system causing dizziness, headache or nausea.
Eyes:	Causes severe eye irritation. Avoid contact with eyes.
Skin:	Causes skin irritation. May be harmful if absorbed through the skin.
Ingestion:	Harmful or fatal if swallowed. May cause abdominal pain, nausea, vomiting, diarrhea, or drowsiness. Irritation or chemical burns of the mouth, pharynx, esophagus and stomach can develop following ingestion of this product.
Chronic Effects:	Contains an ingredient which can cause organ damage (See Section 2 and Section 15 for each ingredient).
HMTS Rating:	Health: Unknown Flammability: Unknown Reactivity: Unknown

4. FIRST AID MEASURES

General:	Remove contaminated clothing and shoes. Get medical attention immediately. Wash clothing before reuse. Thoroughly clean or destroy contaminated shoes.
Inhalation:	If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention immediately.
Eyes:	In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention immediately.
Skin:	In case of contact, immediately flush skin with soap and plenty of water. Get medical attention immediately.
Ingestion:	If swallowed, immediately contact Poison Control Center at 1-800-854-6813. DO NOT induce vomiting unless instructed to do so by medical personnel. Never give anything by mouth to an unconscious person.

5. PROTECTIVE EQUIPMENT AND CONTROL MEASURES

Respiratory:	Select equipment to provide protection from the ingredients listed in Section 2 of this document. Ensure fresh air entry during application and drying. If you experience eye watering, headache or dizziness or if air monitoring demonstrates dust, vapor, or mist levels are above applicable limits, wear an appropriate, properly fitted respirator (NIOSH approved) during and after application. Follow respirator manufacturer's directions for respirator use. FOR USERS OF 3M RESPIRATORY PROTECTION ONLY: For information and assistance on 3M occupational health and safety products, call OHS&SD Technical Service toll free in U.S.A. 1-800-243-4630, in Canada call 1-800-267-4414. Please do not contact these numbers regarding other manufacturer's respiratory protection products. 3M does not endorse the accuracy of the information contained in this Material Safety Data Sheet.
Eyes:	Avoid contact with eyes. Protective equipment should be selected to provide protection from exposure to the chemicals listed in Section 2 of this document. Depending on the site-specific conditions of use, safety glasses, chemical goggles, and/or head and face protection may be required to prevent contact. The equipment must be thoroughly cleaned, or discarded after each use.
Skin/Hand:	Protective equipment should be selected to provide protection from exposure to the chemicals listed in Section 2 of this document. Depending on the site-specific conditions of use, protective gloves, apron, boots, head and face protection may be required to prevent contact. The equipment must be thoroughly cleaned, or discarded after each use.
Engineering Controls:	Prevent build-up of vapors by opening all windows and doors to achieve cross-ventilation.
Other Work Practices:	Emergency eye wash fountains and safety showers should be available in the immediate vicinity of any potential exposure. Use good personal hygiene practices. Wash hands before eating, drinking, using toilet facilities, etc. Promptly remove soiled clothing and wash clothing thoroughly before reuse. Shower after work using plenty of soap and water.

6. FIRE AND EXPLOSION INFORMATION

Flash Point:	F: 464 C: 240
Lower Explosive Limit (LEL):	Not Determined (%vol in air) at Normal Atmospheric Temp and Pressure
Fire and Explosion Hazards:	Material may burn but does not ignite readily. Fire may produce irritating, corrosive and/or toxic gases. Containers may explode when heated.
Fire Fighting Procedures:	SMALL FIRES: Use dry chemical, CO ₂ , water spray or foam. LARGE FIRES: Use water spray, fog, or foam. Move containers from fire area if you can do so without risk. Runoff from fire control may cause pollution. Dike fire control water for later disposal. Do not scatter the material. Also Reference Emergency Response Guide Number: 159

7. PHYSICAL AND CHEMICAL PROPERTIES

Physical State:	Liquid
pH:	Not Determined
Specific Gravity:	0.795783
Boiling Point (F):	500
Vapor Density:	Heavier than air
VOC Content (lbs):	Refer to the Technical Data Sheet for this product
Evaporation Rate:	Slower than ether

8. STABILITY AND REACTIVITY DATA

General:

This product is stable and hazardous polymerization will not occur.

Incompatible Materials:

Strong oxidizing agents.

Hazardous Decomposition:

May produce hazardous fumes when heated to decomposition as in welding. Fumes may produce Carbon Dioxide and Carbon Monoxide.

9. HANDLING AND STORAGE

Storage Temperature:

Store between 32 and 120 F

Handling and Storage

Keep away from heat, sparks and flame. Do not smoke. Extinguish all flames and pilot lights, and turn off stoves, heaters, electric motors and other sources of ignition during use and until all vapors are gone. Vapors may cause flash fire or ignite explosively. Prevent build-up of vapors by opening all windows and doors to achieve cross-ventilation.

Precautions:

Avoid contact with eyes, skin and clothing. Close container after each use. Wash thoroughly after handling.

10. TOXICOLOGICAL DATA

General:

NOTICE: Reports have associated repeated and prolonged occupational overexposure to solvents with permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents may be harmful or fatal. No additional information provided for this product. See Section 2 for chemical specific data.

11. ECOLOGICAL DATA

General:

No additional information provided for this product. See Section 2 for chemical specific data.

12. ACCIDENTAL RELEASE MEASURES

Spill Response Procedures:

ELIMINATE ALL IGNITION SOURCES (no smoking, flares, sparks or flames in immediate area). Do not touch or walk through spilled material. Stop leak if you can do so without risk. Prevent entry into waterways, sewers, basements or confined areas. Absorb or cover with dry earth, sand, or other non-combustible material and transfer to containers. LARGE SPILLS: Dike far ahead of liquid spill to contain released material and runoff from fire control.

Public Safety:

CALL CHEMTREC at (800)-424-9300 for emergency response. Isolate spill or leak area immediately for at least 25 to 50 meters (80 to 160 feet) in all directions. Keep unauthorized personnel away. Stay upwind. Keep out of low areas. Ventilate closed spaces before entering.

Also, Reference Emergency Response Guide Number: 159

13. DISPOSAL CONSIDERATION

Waste Disposal:

Dispose of in accordance with local, state and federal regulations. (Also reference RCRA information in Section 15 if listed).

14. TRANSPORTATION INFORMATION

DOT (Domestic Surface Transportation)		IMO / IMDG (Ocean Transportation)	
DOT Proper Shipping Name:		IMDG Proper Shipping Name:	
PAINT OR PAINT RELATED MATERIAL, NMFC 149980		PAINT OR PAINT RELATED MATERIAL, NMFC 149980	
DOT Hazard Class:	NR	IMDG Hazard Class:	Not Regulated
UN / NA Number:	Not Regulated	UN Number:	Not Regulated
DOT Packing Group:	Not Regulated	IMDG Packing Group:	Not Regulated
CERCLA/DOT RQ:	Not Applicable gal. / Not Applicable lbs.	System Reference Code:	9

15. REGULATORY INFORMATION

Regulatory Overview:

The regulatory data in Section 15 is not intended to be all-inclusive, only selected regulations are represented. All ingredients of this product are listed on the TSCA (Toxic Substance Control Act) Inventory or are not required to be listed on the TSCA Inventory.

WHMIS Classification:

Not Determined

Regulatory List

Product Ingredients on List

DOT Marine Pollutants (10%):

(No Product Ingredients Listed)

DOT Severe Marine Pollutants (1%):

(No Product Ingredients Listed)

EPCRA 311/312 Chemicals and RQs:

(No Product Ingredients Listed)

065997-17-3

Glass, oxide, chemicals : Statutory RQ = 1 pound (.454 kg); no final RQ is being assigned to the generic or broad class

EPCRA 302 Extremely Hazardous:

(No Product Ingredients Listed)

EPCRA 313 Toxic Chemicals:

065997-17-3

000067-63-0

Glass, oxide, chemicals
Isopropyl alcohol

Mass RTK Substances:

(No Product Ingredients Listed)

Mass Extraordinarily Haz Substances:

(No Product Ingredients Listed)

Penn RTK Substances:

(No Product Ingredients Listed)

Penn Special Hazardous Substances:

(No Product Ingredients Listed)

001333-86-4

000067-63-0

Carbon black
Isopropyl alcohol

Rhode Island Hazardous Substance:

000067-63-0

Isopropyl alcohol

RCRA Status:

(No Product Ingredients Listed)

N.J. RTK Substances:

(No Product Ingredients Listed)

N.J. Special Hazardous Substances:

000067-63-0

Isopropyl alcohol

N.J. Env. Hazardous Substance

065997-17-3

000067-63-0

Glass, oxide, chemicals
Isopropyl alcohol

Proposition 65 - Carcinogens:

(No Product Ingredients Listed)

001333-86-4

Carbon black

Proposition 65 - Female Reproductive Toxins:

(No Product Ingredients Listed)

Proposition 65 - Male Reproductive Toxins:

(No Product Ingredients Listed)

Proposition 65 - Developmental Toxins:

(No Product Ingredients Listed)

16. OTHER INFORMATION

The information and recommendations contained herein are based upon data believed to be correct. However, no guarantee or warranty of any kind, expressed or implied, is made with respect to the information contained herein. We accept no responsibility and disclaim all liability for any harmful effects which may be caused by exposure to our products. Customers/users of this product must comply with all applicable health and safety laws, regulations, and orders.

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